

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMAR WILEY,

Plaintiff,

v.

WASHINGTON STATE PATROL, *et al.*,

Defendants.

CASE NO. C05-1948RSM

ORDER GRANTING MOTION
FOR SUMMARY JUDGMENT

This matter comes before the Court on defendants' second Motion for Summary Judgment. (Dkt. #92). Defendants argue that plaintiffs' negligent supervision claim against Washington State Patrol should be dismissed because there is no evidentiary support for the claim, and because that defendant has not consented to suit against it in federal court. Plaintiff does not oppose the motion on substantive grounds; but, plaintiff does object that the motion is untimely. (Dkt. #98).

The Court, having reviewed defendants' motion, plaintiff's response, defendants' reply, and the remainder of the record, hereby finds and ORDERS:

(1) Defendants' motion for summary judgment (Dkt. #92) is GRANTED. The Court notes that plaintiff correctly points out the instant motion is untimely. The dispositive motion deadline in this case was March 27, 2007 – nearly four months before the instant motion was filed. Although the Court did re-set the trial date in this case, the Court declined to extend any pre-trial deadlines

1 that had already passed at the time the date was changed. Accordingly, the instant motion was not
2 timely filed, and ordinarily would not be reviewed.¹ However, because plaintiff does not
3 substantively oppose this motion, and in the interest of judicial economy, the Court will grant
4 defendants' motion. Defendants are advised to review and follow the Court's Orders and deadlines,
5 as the Court will not excuse such untimely filings in the future.

6 (2) Plaintiff's state law negligent supervision claim is DISMISSED, and defendant
7 Washington State Patrol is hereby DISMISSED as a defendant to this action.

8 (3) The Clerk shall forward a copy of this Order to all counsel of record.

9 DATED this 17th day of August, 2007.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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24 ¹ Further, the Court notes that defendants have provided no explanation at all as to why they
25 chose to ignore the negligent supervision claim in their first motion for summary judgment, and appear to
26 address the claim now only because the Court pointed out that failure in its previous Order on summary
judgment.